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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE:

B-187027

DATE: APR 5 1977

MATTER OF:

Major H. Booth, Jr. - Transfer - Real Estate Expenses

DIGEST:

Employee was transferred from Philadelphia, Pennsylvania, to Lakehurst, New Jersey. He commuted to new station for 3 months. Later, while waiting for residence in Tabernacle, New Jersey, to become available, he leased apartment in Mt. Holly, New Jersey. Settlement was made after initial 1-year time limitation on reimbursing real estate purchase expenses. Since settlement was made within 2 years of transfer, reimbursement may be made if employee's request for time extension is administratively granted under FIR 2-6.1e upon basis that purchase of residence was reasonably related to transfer.

This action is in response to a request dated June 16, 1976, from R. J. Brown, CW03, USN, Disbursing Officer, Department of the Navy, Naval Air Station, Lakehurst, New Jersey, for a decision on the propriety of payment of a travel voucher submitted by Major H. Booth, Jr. for reimbursement of relocation expenses incurred incident to his transfer of official duty station from the Philadelphia Naval Shipyard to the Naval Air Station, Lakehurst, New Jersey.

Pursuant to his official change of station, Mr. Booth reported for duty at Lakehurst Naval Air Station on February 16, 1975. Mr. Booth did not relocate in the Lakehurst area immediately; instead he commuted daily from his home in Cornwells Heights, Pennsylvania. Mr. Booth planned to purchase a residence in Tabernacle, New Jersey, but the property was not yet available for purchase. Therefore, on May 24, 1975, Mr. Booth and his wife moved into a leased apartment in Mt. Holly, New Jersey.

Mr. Booth was reimbursed \$713.55 for relocation expenses which included \$5.76 for mileage from Cornwells Heights to Mt. Holly, 5c for bridge tolls, \$5.90 for per diem, \$501.84 for transportation of household goods from Cornwells Heights to Mt. Holly, and \$200 for miscellaneous expenses.

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Mr. Booth contracted to purchase a residence in Tabernacle on December 30, 1975. Settlement was made on April 15, 1976, and soon thereafter he and his wife moved into the Tabernacle residence with their household goods. Mr. Booth now requests reimbursement for the expenses he incurred in the purchase of the residence in the amount of \$445.13.

Federal Travel Regulations (FTR) (FPMR 101-7) para. 2-6.1e (May 1973) provide for reimbursement of expenses incurred in connection with residence transactions if the settlement date for the purchase transaction is not later than 1 year after the date on which the employee reported for duty at the new official station. Upon an employee's written request this time limit "may be extended by the head of the agency or his designee for an additional period of time, not to exceed 1 year, regardless of the reasons therefor so long as it is determined that the particular residence transaction is reasonably related to the transfer of official station." FTR para. 2-6.1e. Volume 2 of the Joint Travel Regulations (JTR) para. 8350 (change 125, March 1, 1976), provides that the commanding officer of the activity bearing the cost, or his designee, may approve the request for an extension of the 1-year limitation, provided it is determined that the particular residence transaction is reasonably related to the permanent change of station.

Mr. Booth submitted a written request addressed to the commanding officer of the Naval Air Station for a 1-year extension of the time limit for eligibility for reimbursement of real estate expenses incurred in connection with residence transactions. This request was not forwarded to the commanding officer; instead, the pertinent documents were forwarded here for our determination on the propriety of Mr. Booth's claim.

The extension of time permitted by FTR 2-6.1e is meant to benefit not only those employees who need additional time to complete a sale or purchase commenced during the initial 1-year period, but also those employees who for one reason or another may not have been able to execute a valid contract of sale or purchase during the initial 1-year period. The regulations permit an extension to be granted in the discretion of the agency for any justifiable reason as long as the transaction is reasonably related to the employee's transfer. 54 Comp. Gen. 353 (1975).

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Since the settlement of Mr. Booth's house purchase took place within 2 years of his transfer, the commanding officer may grant his request. If the request is approved, the Department of the Navy may reimburse him for the expenses he incurred in the purchase of his home, if they are otherwise allowable. H-182938, November 26, 1975. In this connection we point out that the agency involved has the responsibility to determine whether the purchase of a residence is incident to an employee's change of official station, and we do not ordinarily look behind the agency's determination. B-175842, June 1, 1972.

The voucher for payment of allowable real estate expenses incurred by Mr. Booth in connection with the purchase of his Tabernacle residence is for handling in accordance with the above.

R. F. KELLER

Acting Comptroller General
of the United States